

KIM R. WALMSLEY
Chief U.S. Probation Officer
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U.S. Probation Officer
The District Court of Guam
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THE DISTRICT COURT OF GUAM

UNITED STATES OF AMERICA,)	CRIMINAL CASE NO.: 20-00021-001
)	
Plaintiff,)	
)	DECLARATION IN SUPPORT
vs.)	OF PETITION
)	
RICKY JAMES JR. SALAS SANTOS,)	
)	
Defendant.)	
_____)	

I, U.S. Probation Officer Trina P. Duenas, am assigned to supervise the Court ordered conditions of pretrial release for Ricky James Jr. Salas Santos, and in this capacity, I declare as follows:

On August 27, 2020, a Complaint was filed under case number MJ20-00092, which charged the defendant, Ricky James Jr. Salas Santos, with Attempted Possession of Methamphetamine with Intent to Distribute, in violation of 21 U.S.C. §§ 841(a)(1) & (b)(1)(A)(viii). On the same date, he was brought before the court for an Initial Appearance on a Complaint. He was detained and hearings were set for a Preliminary Examination and a Detention Hearing.

On September 9, 2020, an Indictment was filed in which the Grand Jury charged the defendant with Attempted Possession with Intent to Distribute Methamphetamine Hydrochloride, in violation of 21 U.S.C. §§ 846 & 841(a)(1) & (b)(1)(A)(viii); and Possession with Intent to Distribute Methamphetamine Hydrochloride in violation of 21 U.S.C. §§ 841(a)(1) & (b)(1)(A)(viii); along with a Notice of Forfeiture.

On September 10, 2020, Mr. Santos was brought before the Court for an Initial Appearance on an Indictment and Arraignment. He entered a plea of not guilty and his detention was continued.

On October 29, 2020, Mr. Santos appeared in court for a Detention Hearing. Magistrate Judge Michael J. Bordallo released the defendant and imposed pretrial supervision with conditions. A Jury Trial is currently scheduled for February 17, 2021.

The defendant is alleged to have committed the following in violation of 18 U.S.C. § 3142:

Special Condition: *Submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.*

On November 23, 2020, Mr. Santos was scheduled for a drug test. He failed to report for testing. In response to the noncompliance, this Officer contacted him and instructed him to report for testing on November 24, 2020. The defendant's Third Party Custodian (TPC) Elias Salas was informed of the defendant's missed drug test.

On November 24, 2020, Mr. Santos reported for drug testing as instructed but failed to provide a valid sample for testing. He provided two urine samples, both of which were too dilute to be tested. This Officer admonished him and reviewed the testing policy, which states that the defendant is not to consume excessive amounts of fluids immediately before or for extended periods prior to submitting a urine sample.

On November 27, 2020, Mr. Santos was scheduled for another drug test. He failed to report for testing. This Officer contacted the defendant and again admonished him for missing a drug test. In response to the noncompliance, he was instructed to report for drug testing on November 28, 2020.

On November 28, 2020, Mr. Santos failed to report for drug testing. This Officer spoke with the defendant and his TPC Michelle Salas and informed them that a violation was forthcoming. The defendant was urged to report for testing as instructed.

On November 30, 2020, Mr. Santos failed to report for drug testing. This was his fourth missed drug test in a week. Both of his TPCs, Michelle and Elias Salas, were informed of the missed drug test.

Supervision Compliance: A criminal records check was conducted and found no new arrests or pending criminal action.

Recommendation: This Probation Officer respectfully requests the Court issue a Summons for Ricky James Jr. Salas Santos to appear at a hearing to determine if his bail should be revoked or modified, pursuant to 18 U.S.C. § 3148.

I declare, under penalty of perjury, that the foregoing is true and correct, except those matters stated upon information and belief, and as to those matters, I believe them to be true.

Executed this 1st day of December 2020, at Hagatna, Guam, in conformance with the provisions of 28 U.S.C. § 1746.

Respectfully submitted,

KIM R. WALMSLEY
Chief U.S. Probation Officer

By:



/s/ TRINA P. DUENAS
U.S. Probation Officer

Reviewed by:



/s/ GRACE D. Flores
Deputy Chief U.S. Probation Officer